

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

Plaintiff,

vs.

**MARION HOLMES,**

Defendant.

}

**8:12CR311**

**ORDER**

Defendant Marion Holmes appeared before the court on Wednesday, October 3, 2012 on a Petition for Offender Under Supervision [146]. The defendant was represented by Assistant Federal Public Defender Richard H. McWilliams, and the United States was represented by Assistant U.S. Attorney Kimberly C. Bunjer. Through his counsel, the defendant waived his right to a probable cause hearing on the Petition for Offender Under Supervision [146] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention. A detention hearing was held on October 9, 2012. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a danger to the community, nor a flight risk, the court finds the defendant has failed to carry his burden and that he should be detained pending a dispositional hearing before Judge Bataillon.

**IT IS ORDERED:**

1. A final dispositional hearing will be held before Judge Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on **November 1, 2012 at 1:00 p.m.** Defendant must be present in person.

2. The defendant, Marion Holmes, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 9<sup>th</sup> day of October, 2012.

BY THE COURT:

s/ F. A. Gossett  
United States Magistrate Judge